City of Detroit

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TO: The Honorable Detroit City Council

FROM: David Whitaker
The Research and Analysis Division Staff

DATE: October 4, 2007

RE: **Michigan Open Meetings Act Compliance—**
Nicholas v Meridian Township Charter Board, 239 Mich App 525 (2000)

As a follow-up to the October 2, 2007 Committee of the Whole meeting, the Research & Analysis Division (RAD) is forwarding a copy of the Michigan Court of Appeals opinion in *Nicholas v Meridian Township Charter Board*, to this Honorable Body for your review.

In *Nicholas*[1], five individuals filed suit in Ingham County Circuit Court, alleging violations of the Open Meetings Act. The township board and two board members (who attended and participated in committee deliberations even though they were not members) were named defendants. The Ingham County Circuit Court determined that the defendants violated the Open Meetings Act, but declined to invalidate the disputed decisions. All parties appealed.

The Michigan Court of Appeals upheld Ingham County Circuit Court's finding that the Open Meetings Act was violated where a quorum of the township board attended several committee meetings, and non-committee members of the board participated in the committees' discussions of township business and matters of public policy. The Court of Appeals also determined that because an Open Meetings Act violation occurred, plaintiffs were entitled to actual attorney fees and costs.[2]

Attachment

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[1] *Nicholas* is a seminal case on this issue and is cited in RAD's September 25, 2007 report regarding the application of the Open Meetings Act and its implications for the standing committee structure of Detroit City Council.

[2] The Court of Appeals reversed the lower court's denial of attorney fees and actual costs to the plaintiffs, emphasizing that the trial court's finding that a violation of the Open Meetings Act occurred constitutes declaratory relief, "entitling plaintiffs to actual attorney fees and costs." 239 Mich App at 535-36.

STATE OF MICHIGAN

COURT OF APPEALS

JEAN A. NICHOLAS, DIANNE K. HOLMAN, DONN L. STORY, JAMES H. RAMEY, and POLLY KENT,

Plaintiffs-Appellants/Cross-Appellees,

v

MERIDIAN TOWNSHIP CHARTER BOARD, BRUCE A. LITTLE, and KIRK K. SQUIRES,

Defendants-Appellees/Cross-Appellants.

FOR PUBLICATION
January 28, 2000
9:10 a.m.

No. 211956
Ingham Circuit Court
LC No. 97-085559 CL

Before: Sawyer, P.J., and Hood and Fitzgerald, JJ.

PER CURIAM.

Plaintiffs appeal by right from an order granting summary disposition in favor of defendants pursuant to MCR 2.116(C)(10), based on the determination that, although defendants had violated the Open Meetings Act (OMA), MCL 15.261 *et seq.*; MSA 4.1800(11) *et seq.*, plaintiffs failed to create any genuine issue of material fact: (1) that they were entitled to invalidation of the disputed decisions, (2) that they were entitled to injunctive relief, or (3) that defendants intentionally violated the OMA. We affirm in part and reverse in part.

Defendants have made several pertinent factual admissions in this case; these facts are undisputed by plaintiff. Pursuant to MCL 42.7(5); MSA 5.46(7), four members of the township board constitute a quorum for purposes of conducting township business. On December 6, 1996, the planning and development committee met with prior public notice. A quorum of township board members was present at this meeting. Township board member Little participated in the discussion at this meeting even though he was not a member of the committee.

On January 13, 1997, the personnel committee met with prior public notice. A quorum of township board members was present at this meeting where matters of public policy were discussed. Although not a member of this committee, Little joined in the discussion but did not vote on any business before the committee.

The public safety committee met on January 15, 1997, with a quorum of the township board being present. Prior notice of this meeting was provided to the public. Township business and matters of public policy were discussed at this meeting with Little, a non-committee member, participating in the discussions.

On January 31, 1997, a meeting of the planning and development committee was held with a quorum of township board members being present; prior public notice of this meeting had been provided. Matters of public policy were discussed. At this meeting, Little, a non-committee member participated in the discussions before the committee.

A meeting of the personnel committee was held on February 18, 1997, with a quorum of the township board being present. Although not members of the committee, Little and Squiers participated in the discussion of township business.

Defendants have admitted that all of the subject committee meetings constituted meetings of a "public body at which public policy was discussed and in which deliberations were made" Defendants also admitted that none of the notices regarding these meetings indicated that a quorum of the township board would be present.

Plaintiffs first argue that the trial court's grant of summary disposition to defendants was in contradiction to its ruling that defendants violated the OMA and that plaintiffs were therefore entitled to relief under the statute. We disagree.

MCL 15.262; MSA 4.1800(12) defines certain terms with regard to application of the OMA and states, in pertinent part:

> (a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function.
>
> (b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.
>
> * * *
>
> (d) "Decision" means a determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

MCL 15.263; MSA 4.1800(13) provides, in pertinent part:

(1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act . . . The exercise of this right shall not be dependent upon the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

(2) All decisions of a public body shall be made at a meeting open to the public.

(3) All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public.[1]

Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of the OMA. MCL 15.270(1); MSA 4.1800(20)(1).

MCL 15.265; MSA 4.1800(15) states, in pertinent part:

(1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

The primary goal of judicial interpretation of statutes is to ascertain and give effect to the intent of the Legislature. *Frankenmuth Mut Ins Co Marlette Homes, Inc,* 456 Mich 511, 515; 573 NW2d 611 (1998). The first criterion in determining intent is the specific language of the statute. *In re MCI Telecommunications Complaint,* 460 Mich 396, 411; 596 NW2d 164 (1999). The Legislature is presumed to have intended the meaning it plainly expressed. *Nation v WDE Electric Co,* 454 Mich 489, 494; 563 NW2d 233 (1997). Where the language of a statute is clear and unambiguous, judicial construction in generally neither necessary nor permitted. *Lorencz v Ford Motor Co,* 439 Mich 370, 376; 483 NW2d 844 (1992). Courts may not speculate as to the probable intent of the Legislature beyond the words expressed in the statute. *In re Schnell,* 214 Mich App 304, 310; 543 NW2d 11 (1995). Statutory interpretation is a question of law that we review de novo. *Oakland Co Bd of Rd Comm'rs v Michigan Property & Casualty Guaranty Ass'n,* 456 Mich 590, 610; 575 NW2d 751 (1998).

When a quorum of the members of a public body meet to consider and discuss public business, it is a "meeting" under MCL 15.262(23)(a); MSA 4.1800(12)(2)(a). See OAG, 1989-90, No. 6636, p 878. Meetings with a quorum present held to deliberate a public question must be held at a public meeting. Thus, if members of a public body gather, a quorum being present, for the purpose of deliberating, the meeting is subject to the provisions of the OMA even if there is no intention that the deliberations will lead to the rendering of a decision on that occasion. *Id.*

In the present case, the parties do not dispute that the subject committee meetings, at which a quorum of the township board was present, were meetings of a "public body" and involved deliberations regarding public policy.[2] These meetings were therefore subject to the

OMA. MCL 15.262; MSA 4.1800(12). It was incumbent that proper notice be provided with regard to these meetings. MCL 15.263; MSA 4.1800(13); MCL 15.265; MSA 4.1800(15).

OAG, 1989-90, No. 6636, *supra* at 878, concerned a meeting of a county planning commission committee that consisted of more than fifty members, two of whom were members of the county board of commissioners. The question presented was whether, if additional members of the board attended a public meeting of the planning commission committee so as to constitute a quorum of the board, must the meeting be posted as a meeting of the board. *Id.* at 878. The attorney general opined that so long as the non-member commissioners did not engage in deliberations or render decisions, the meeting need not be posted as a meeting of the board of commissioners. *Id.*

While OAG, 1989-90, No. 6636 is not controlling, we are persuaded by its reasoning. We, therefore, conclude that defendants were obliged to inform the public that the business to be undertaken would actually be considered by the township board rather than the particular committee actually specified on the notice. In that the notices failed to do so, the trial court properly found that defendants had violated the OMA. However, our review of the record shows that, despite defendants' failure to provide proper notice, there was substantial compliance with the OMA notice requirements. Everything that was the subject of plaintiff's complaint occurred during the course of a meeting properly noticed and open to the public. Nothing that took place was secreted or otherwise unknown to the public. Thus, the purpose of the OMA was essentially and realistically fulfilled. *Arnold Transit Co v Mackinac Island,* 99 Mich App 266, 275; 297 NW2d 904 (1980).

A party seeking an invalidation of a decision by a public body, pursuant to MCR 15.270(2); MSA 4.1800(20)(2), must allege both a violation of the act and that this violation impaired the rights of the public. *Esperance v Chesterfield Twp,* 89 Mich App 456, 464; 280 NW2d 559 (1979). The mere recital of the language that the rights of the public were impaired is insufficient to support a request for invalidation. *Cape v Howell Bd of Ed,* 145 Mich App 459, 467; 378 NW2d 506 (1985). We review a trial court's decision whether to invalidate a decision made in violation of the OMA for abuse of discretion. *Esperence, supra* at 464.

Plaintiffs' complaint contained bare allegations that the "rights of the public" were impaired by defendants' actions. Plaintiffs' mere recital that the rights of the public were impaired is insufficient. *Cape, supra* at 467. Our review of the record fails to reveal how those rights were impaired. There is no dispute that the committee meetings were noticed to the public. Moreover, the record demonstrates that members of the public were present at all but one of the committee meetings. Thus, we conclude that the trial court did not abuse its discretion in refusing to invalidate the decisions made by defendants in violation of the OMA.

The OMA further provides for injunctive relief:

> (1) If a public body is not complying with this act, . . . a person may commence a civil action to compel compliance or to enjoin further noncompliance with this act.

* * *

> (4) If a public body is not complying with this act, and a person commences a civil action and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action. [MCL 15.271(1), (4); MSA 4.1800(21)(1), (4).]

Merely because a violation of the OMA has occurred does not automatically mean that an injunction must issue restraining the public body from using the violative procedure in the future. *Esperence, supra*. Injunctive relief is an extraordinary remedy that issues only when justice requires, there is no adequate remedy at law, and there exists a real and imminent danger of irreparable injury. *Wilkins v Gagliardi,* 219 Mich App 260, 276; 556 NW2d 171 (1996). We review a trial court's decision for an abuse of discretion in granting or denying injunctive relief. *Holly Twp v Holly Disposal, Inc*, 440 Mich 891; 487 NW2d 753 (1992).

In *Wilkins, supra,* a panel of this Court concluded that where the OMA problems have been addressed and no similar incidents have occurred, it could be concluded that no real and imminent danger existed; it was appropriate to refrain from imposing a permanent injunction. *Id.* at 260. Where there is no reason to believe that a public body will deliberately fail to comply with the OMA in the future, injunctive relief is unwarranted. *Schmiedicke v Clare School Bd,* 228 Mich App 259, 267; 577 NW2d 706 (1998).

We conclude that the amended notice provision employed by defendants adequately informed the public of the potential for deliberations and decision making by the township board at a noticed committee meeting. Defendants' amended notice provision substantially complies with the notice requirements of the OMA and the purpose of the statute is essentially and realistically fulfilled. *Arnold Transit Co, supra* at 275.

Plaintiffs next argue that they were entitled to their actual costs and attorney fees because the trial court found that defendants had violated the OMA. We agree.

Pursuant to subsection 11(4) of the Open Meetings Act, MCL 15.271(4); MSA 4.1800(21)(4):

> If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover costs and actual attorney fees in the action.

Here, the trial court declared that defendants violated the open meetings act. This constitutes declaratory relief, thus entitling plaintiffs to actual attorney fees and costs despite the fact that the trial court found it unnecessary to grant an injunction given defendants' decision to amend the notice provision after plaintiffs filed the present suit. See, e.g., *Schmiedeke v Clare School Bd,* 228 Mich App 259, 266-267; 577 NW2d 706 (1998) (legal remedy of declaratory relief is adequate to support award of attorney fees and costs); *Ridenour v Dearborn Bd of Ed,*

111 Mich App 798; 314 NW2d 760 (1981) (the plaintiff received the relief sought when the trial judge agreed with plaintiff's position that defendant violated the OMA but declined to grant an injunction given defendant's promise to comply); *Menominee County Taxpayers Alliance, Inc v Menominee County Clerk*, 139 Mich App 814; 362 NW2d 871 (1984) (a plaintiff who prevails in an action against a public body alleging a violation of the OMA may recover actual attorney fees and costs even though intervening circumstances have made superfluous an award of injunctive relief sought by the plaintiff).

Plaintiffs rely on *Manning v East Tawas*, 234 Mich App 244; 593 NW2d 649 (1999). In *Manning*, the defendant city council held a closed session to discuss with the city attorney a prior action by the plaintiffs challenging the council's refusal to approve the plaintiffs' proposed site plan for a recreational vehicle park. Plaintiffs alleged that the closed session violated the OMA, and also alleged that the city clerk violated the Freedom of Information Act (FOIA), MCL 15.231 *et seq.;* MSA 4.1801(1) *et seq.*, by refusing to disclose the minutes of that closed session. The trial court recognized as partially applicable to the closed session at issue the exemption of subsection 8(e) of the OMA, MCL 15.268(e); MSA 4.1800(18)(e). However, the trial court ordered partial disclosure of the minutes of the session under the FOIA.

With regard to attorney fees and costs, this Court stated:

> The trial court's order of partial disclosure of the minutes of the closed meeting in question necessarily included a *finding of a violation of the OMA*, particularly that not all of the subject matter of the closed session came under the cited statutory ground for closing the session. *This constitutes declaratory relief under the OMA, which is sufficient to entitle plaintiffs to an award of costs and attorney fees.* (Emphasis added.)

Thus, *Manning* is in harmony with the cases cited above that hold that a trial court's finding that a violation of the OMA has occurred constitutes declaratory relief that is adequate to justify an award of attorney fees and costs.[3] Accordingly, we reverse that part of the order denying costs and attorney fees and remand to the trial court for calculation of an award of costs and actual attorney fees under subsection 11(4) of the OMA.

Affirmed in part, reversed in part and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction. No costs, neither party having prevailed in full.

/s/ David H. Sawyer
/s/ Harold Hood
/s/ E. Thomas Fitzgerald

[1] The OMA provides for certain exceptions to the necessity to conduct deliberations at a public meeting, none of which are applicable in this case. See MCL 15.263(7)-(11); MSA 4.1800(13)(7)-(11); MCL 15.267; MSA 4.1800(17); and MCL 15.268; MSA 4.1800(18).

[2] We recognize that a similar issue was addressed by this Court in *Ryant v Cleveland Twp*, 239 Mich App ___; ___ NW2d ___ (Docket No. 213711, issued January 14, 2000). *Ryant,* however, is distinguishable from the case at bar. *Ryant* found no violation of the OMA because the other township board members did not participate in the planning commission's debate. *Slip op* at 3-4. However, in the case at bar, there is no dispute that the non-committee township board members did engage in the deliberative process contemplated by the OMA. See also OAG 1989-90, No. 6636 *supra* at 878.

[3] In *Felice v Cheboygan Zoning Comm*, 103 Mich App 742; 304 NW2d 1 (1981), a case on which defendants rely, the Court held that the plaintiffs were not entitled to attorney fees and costs because they did not obtain "relief in the action." However, *Felice* is factually distinguishable. In *Felice*, the plaintiff filed suit seeking injunctive relief and invalidation of a decision to issue a special use permit made by the defendant in a closed session. After plaintiff filed suit, defendants held a second meeting in conformity with the OMA in which the same special use permit was reenacted. At a hearing, defense counsel admitted that the first meeting was not in compliance with the OMA. The parties subsequently stipulated to withdrawal of the claim for injunctive relief and for invalidation of any decisions. This Court held that the acts of the parties following the institution of the action obviated the necessity for the trial court to order invalidation of the commission's decision or injunctive relief and, therefore, plaintiffs did not obtain "relief in the action" within the meaning of the OMA. In the present case, the plaintiffs sought a declaratory ruling that defendants violated the OMA, and the trial court so declared. As noted above, declaratory relief is sufficient relief to mandate an award of costs and actual attorney fees.

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PEGGY ROBINSON
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TO: The Honorable Detroit City Council

FROM: David Whitaker
Research and Analysis Division Staff

DATE: January 29, 2008

RE: **Rules Governing the Calling of City Council Closed Sessions**

The rules for calling for a City Council Closed Session are governed by the Rules of Order for the Detroit City Council, the Charter for the City of Detroit, and the Michigan Open Meetings Act. The Michigan Open Meetings Act[1] is the ultimate authority when calling for a closed session. The Research & Analysis Division (RAD) cites the following, which supports the Open Meetings Act relative to Closed Sessions

Charter Authority

> *The Charter of the City of Detroit states, "All business which the city council may perform shall be conducted at a public meeting held in compliance with the opening meetings act..."*

Council Rules

> *5.1 All meetings of the Detroit City Council shall be open to the public and held in accordance with the Michigan Open Meetings Act.*
>
> *The City Council Rules further state "Closed sessions of the City Council shall be permitted in manner prescribed under Michigan Public Act No 267 of 1976 and shall be called in the manner prescribed in said Public Act. Public Act No. 267 of 1976 is the Michigan Open Meetings Act.*

[1] Act 267 of 1976: Effective March 31, 1977 (MCLA 15.261 et seq; MSA 4.1800 et seq.)

The Authority of the Open Meetings Act

> *The Open Meetings Act specifically states at Section 7. (1)*
>
> *A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under sect 8(a), (b), (c), (g), (i) and (j).*
>
> *Section (e) "To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body is not exempt from the 2/3 roll call vote of members elected or appointed and serving...*

RAD Recommendation

There for RAD advises that a 2/3 vote in the affirmative is required of all City Council Members elected and serving to call for a Closed Session to consult with its attorney regarding trial or settlement strategy.

If you have further direction or concerns, please do not hesitate to advise.

Attachments: Section 15.267 of the Michigan Open Meetings Act
City Council Rule 5.1 Open Meetings

OPEN MEETINGS

a public meeting held pursuant to section 4(2) to (5) of Act No. 239 of the Public Acts of 1955, as amended, being section 200.304 of the Michigan Compiled Laws.

(5) A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after public notice, which is equivalent to that required under subsection (4), has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section shall bar a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body which is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The notice, which shall be at the bottom of the display advertisement and which shall be set off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1978, Act 256, Imd. Eff. June 21, 1978;—Am. 1982, Act 134, Imd. Eff. Apr. 22, 1982;—Am. 1984, Act 167, Imd. Eff. June 29, 1984.

15.266 Providing copies of public notice on written request; fee.

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

History: 1976, Act 267, Eff. Mar. 31, 1977.

15.267 Closed sessions; roll call vote; separate set of minutes.

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

History: 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996.

15.268 Closed sessions; permissible purposes.

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

4.4.3 Term: The term of appointment for permanent members is three (3) years on a staggered term basis.

4.3.4 Role Of Board: The Board shall advise the City Council on matters relating to historic preservation, and in particular, proposals for the designation of local historic districts.

4.5 Board of Ethics: Pursuant to section 2-106 of the City Charter as amended in 1997 and 2000, an independent seven (7) member Board of Ethics shall be created.

4.5.1 Appointment: The Board shall consist of seven (7) members of the public including three (3) who are appointed by the Mayor, three (3) who are appointed by the City Council, and one (1) who shall be jointly appointed by the Mayor and the City Council. The members shall serve without compensation and may be removed for cause only.

4.5.2 Residency Requirement: Public members of the Board shall be residents of the City who are not elective officers, appointees, or employees of the City at any time during their Board membership.

4.5.3 Term: The term of membership of the Board shall be five (5) years. Each appointee may serve a maximum of two (2) consecutive five-year terms, not to exceed a total of ten (10) years. Not more than two (2) members' terms shall expire in any one (1) year.

4.5.4 Role of the Board: The Board of Ethics was created pursuant to Charter section 2-106 for the following reasons: to render advisory opinions regarding the meaning and application of provisions of the Charter, city ordinances or other laws or regulations establishing standards of conduct of public servants; to conduct investigations based upon a complaint or its own initiative to ensure the integrity of city government; and to recommend improvements in the standards of conduct to ensure the ethical behavior of public servants, all in a manner consistent with the provisions of section 2-106 of the City Charter and the provisions of Detroit City Code sections 2-6-1 *et seq*.

5.0 COMPLIANCE WITH OPEN MEETINGS ACT

5.1 Open Meetings: All meetings of the Detroit City Council shall be open to the public and held in accordance with the Michigan Open Meetings Act, 1976. P.A., MCLA 15.261 et seq; MSA 4.1800 et seq.

5.2 Calendar Posting: Within ten (10) days after the first Formal Session of a calendar year public notice shall be posted stating the dates, times and places of its Formal Sessions. A similar posting shall be made listing the dates and times of all Standing Committee meetings.